



National Labor Relations Board

Weekly Summary of NLRB Cases

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CASES SUMMARIZED
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United Brotherhood of Carpenters and Joiners of America, Local 43 and New England Regional Council of Carpenters (McDowell Building & Foundation, Inc.) (34-CB-03047; 354 NLRB No. 122) West Hartford, CT, Dec. 31, 2009. The Board adopted the administrative law judge's finding that the Respondents (New England Regional Council of Carpenters and Carpenters, Local 43) violated Section 8(b)(1)(A) of the Act, by maintaining the "mobility clause" in its agreements. The Board did so, however, on the narrowed ground that the mobility clause restrains and coerces employees in the exercise of their Section 7 rights because, on its face, the clause restricts an employer to hiring only those carpenters who are members in good standing of a Council local. Having found that the clause is unlawful for this narrowed reason, the Board adopted the judge's findings that Respondent-Local 43 violated Section 8(b)(2) and 8(b)(1)(A), respectively, by invoking the unlawful mobility clause to request that the Employer terminate an employee and by causing the employee to leave his employment with the Employer. The Board found it unnecessary to pass on the judge's additional findings that Respondent-Local 43 violated Section 8(b)(2) and 8(b)(1)(A), respectively, by invoking the unlawful mobility clause to request that the Employer discharge the employee and to cause the employee to leave his employment because of the employee's prior protected activities. In the absence of exceptions, the Board adopted the judge's finding that the Respondents' maintenance of the union-security clause in the relevant agreement violated Section 8(b)(1)(A) because the clause requires compliance with the Respondents' constitution and bylaws as a condition of employment. [\[HTML\]](#) [\[PDF\]](#)

(Chairman Liebman and Member Schaumber participated.)

Charge filed by Kevin Lebovitz, an individual; complaint alleged violations of Section 8(b)(1) and (a)(2). Hearing at Hartford, Mar. 4-5, 2009. Adm. Law Judge Wallace H. Nations issued his decision July 7, 2009.

Trump Marina Associates, LLC d/b/a Trump Marina Casino Resort and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW (4-CA-36528; 354 NLRB No. 123) Atlantic City, NJ, Dec 31, 2009. The Board adopted the administrative law judge's finding that the Respondent violated Section 8(a)(1) of the Act, by maintaining and enforcing unlawfully broad rules prohibiting employees from releasing statements to the news media without prior approval, and authorizing only certain representatives to speak with the media. The Board also adopted the judge's finding that the Respondent violated Section 8(a)(1), by interrogating employee Mario Spina about whether he had spoken to the media about a prior decision in a Board case involving the Respondent. Member Schaumber agreed that the interrogation was unlawful not necessarily because the Respondent attempted to enforce overly broad rules, but because the Respondent was clearly inquiring into Spina's Section 7 activity. [\[HTML\]](#) [\[PDF\]](#)

(Chairman Liebman and Member Schaumber participated.)

Charge filed by International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW; complaint alleged violations of Section 8(a)(1). Hearing at Philadelphia on June 3, 2009. Adm. Law Judge Robert A. Giannasi issued his decision Aug. 27, 2009.

NO ANSWER TO COMPLAINT

(In the following cases, the Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the complaint.)

Columbus Components Group, LLC (Electrical Workers [IBEW] Local 1424) (25-CA31035; 354 NLRB NO. 118) Columbus, IN, Dec. 29, 2009. [\[HTML\]](#) [\[PDF\]](#)

Pabst Theater Foundation, Inc. (Milwaukee Theatrical Stage Employees Local 18) (30-CA-18389; 354 NLRB No. 121) Milwaukee, WI, Dec. 29, 2009. [\[HTML\]](#) [\[PDF\]](#)

NO ANSWER TO COMPLAINT AND COMPLIANCE SPECIFICATION

(In the following case, the Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the complaint and compliance specification.)

Aerosol Specialties, LLC (Teamsters Local 984) (26-CA-23289; 354 NLRB No. 119) Memphis, TN, Dec. 29, 2009. [\[HTML\]](#) [\[PDF\]](#)

UNPUBLISHED BOARD ORDER IN A REPRESENTATION CASE

Miscellaneous Board Order

ORDER [affirming the administrative dismissal of the petition]

Modern Concrete Products, Inc., Ft. Lauderdale, 12-RD-01057, Dec. 30, 2009.

DECISIONS OF ADMINISTRATIVE LAW JUDGES

Almonte Beach Fodd Corp. d/b/a Associated Supermarket (Food & Commercial Workers Local 338) Long Beach, CA Dec. 28, 2009, 29-CA-29734, 29770; JD(NY)-46-09, Judge Steven Davis.

Cobb Mechanical Contractors, Inc. (Sheet Metal Workers Local 67) Round Rock, TX, Dec. 28, 2009, 16-CA-26488, et al.; JD(ATL)-33-09, Judge George Carson II.

LaGuardia Associates, LLP d/b/a Crowne Plaza LaGuardia (New York Hotel & Motel Trades Council) East Elmhurst, NY, Dec. 28, 2009, 29-CA-29347; JD(NY)-45-09, Judge Steven Davis.

Gateway Care Center (1199 SEIU Healthcare Workers East, New Jersey) Eatontown, NJ, Dec. 28, 2009, 22-CA-28708; JD(NY)-47-09, Judge Eleanor MacDonald.

Waste Management of Arizona, Inc., d/b/a Waste Management of Tucson (Food & Commercial Workers Local 99) Tucson, AZ, Dec. 28, 2009, 28-CA-21988; JD(SF)-48-09, Judge James M. Kennedy.

Camelot Terrace (Service Employees Local 4) Streator, IL, Dec. 31, 2009, 33-CA-15584, et al.; JD(ATL)-35-09, Judge John H. West.

Walt Disney World Co. d/b/a Disneyland Hotel (an Individual) Anaheim, CA, Dec. 31, 2009, 21-CA-49-09; JD(SF)-49-09, Judge William G. Kocol.
